



BOARD OF ADJUSTMENT

WEDNESDAY, January 27, 2010

LEGAL ACTION REPORT

1. Call to Order: 1:50 p.m.
2. **C10-09-16 GRG CONSTRUCTION/T&G GREER, 9338 EAST OLD VAIL ROAD, I-2**

The appellant (M. Dupont) is appealing the Zoning Administrator's (ZA) determination, dated October 5, 2009, regarding the land use classification for a new concrete batch plant proposed at the GRG Construction facility at 9338 East Old Vail Road, zoned I-2 Industrial. The ZA determined that, for the purposes of zoning, the concrete batch facility is a Primary Manufacturing use and is therefore subject to the *Land Use Code (LUC)* provision requiring manufacturing uses to be conducted wholly within completely enclosed buildings. Tucson *LUC* Sections applicable to this appeal include, in part, but are not limited to the following: Section 1.2.1, which provides for the Zoning Administrator to interpret the provisions of the *LUC* and Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the Zoning Administrator's determination, dated October 5, 2009.

DECISION: REVERSE THE ZONING ADMINISTRATOR'S DETERMINATION OF OCTOBER 5, 2009.

3. **C10-10-01 LEENHOUTS WHITAKER RESIDENCE NEW CARPORT ADDITION/J. LEENHOUTS, 2709 NORTH GILL AVENUE, R-1**

The applicants' property is a 10,785 square foot lot developed with a single-family residence and carport and is zoned "R-1", Residential. The applicants propose enclosure of the existing carport for additional living space and construction of a new carport in front of the existing carport. Tucson *Land Use Code (LUC)* Sections applicable to this project include, but are not limited to, Section 2.3.4 which provides the criteria for development in the R-1 zone, and Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all principal and accessory structures. The applicants are requesting the following variances: **1)** Reduce the front street setback of the carport from 20 feet to 12.67 feet; and, **2)** Reduce the length of the driveway from 18 feet to 12.67 feet, as shown on the submitted plans

DECISION: VARIANCES 1 AND 2 GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Carport is not to be enclosed.
 - B. No parking between the carport and the front street lot line.
4. **C10-10-02 VERA RESIDENCE CARPORT ADDITION/E. VERA, 1902 EAST VIRGINIA STREET, R-2**

The applicant's property is a 6,500 square foot lot developed with a single-family residence and carport and is zoned "R-2", Residential. The applicant is seeking zoning approval to allow the existing attached carport to remain as constructed with a reduced building setback and driveway length. Tucson *Land Use Code (LUC)* Sections applicable to this project include, but are not limited to, Section 2.3.5 which provides the criteria for development in the R-2 zone, and Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all principal and accessory structures. The applicant is requesting the following variances: **1)** Allow the carport to remain with a reduction in the front street setback from twenty (20') feet to five (5') feet; and, **2)** Allow a reduction in the length of the driveway from eighteen (18') feet to five (5') feet, as shown on the submitted plans

DECISION: VARIANCES 1 AND 2 GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Carport to remain open.
 - B. No parking between the carport and the front street lot line.
5. **C10-10-03 STARR PASS BLOCK 25 C9-98-25/STARR PASS RESIDENTIAL LLC, 3645 WEST STARR PASS BOULEVARD, SR/C-1**

The appellant (F. C. Ansley) is appealing the Zoning Administrator's (ZA) determination regarding the rezoning status for Block 25 of the property related to rezoning case C-98-25. On November 1, 2004, the Mayor and Council authorized a five-year time extension for rezoning case C9-98-25 from November 8, 2004 to November 8, 2009 subject to issuance of permits for construction of the proposed development by November 8, 2009. In a letter dated November 23, 2009, the Zoning Administrator determined that the plans and permits for the development were never completed and approved and therefore the rezoning has expired and cannot be extended again. Tucson *LUC* Sections applicable to this appeal include, in part, but are not limited to the following: Section 1.2.1, which provides for the Zoning Administrator to interpret the provisions of the *LUC* and Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the Zoning Administrator's determination, dated November 23, 2009.

DECISION: CASE CONTINUED TO THE MARCH 24, 2010 HEARING.

6. **C10-10-04 FRIEDMAN RECYCLING COMPANY/FRIEDMAN RECYCLING, 1825 WEST PRICE STREET, I-1**

The appellant (Friedman Recycling Company) is appealing the Zoning Administrator's (ZA) determination, dated November 20, 2009, that outside storage associated with the "Salvaging and Recycling" use at 1825 West Price Street is not allowed. Tucson *Land Use Code (LUC)* Sections applicable to this appeal include, in part, but are not limited to the following: Section 1.2.1, which provides for the Zoning Administrator to interpret the provisions of the *LUC* and Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Zoning Administrator's decision. The appellant is requesting reversal of the Zoning Administrator's determination, dated November 20, 2009.

DECISION: CASE CONTINUED TO THE MARCH 24, 2010 HEARING.

7. Adjournment: 3:40 p.m.